

EXHIBIT 10

Appln. No.: 14/713,643
Amendment Dated September 28, 2016
Reply to Office Action of July 12, 2016

TEVE-139US12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 14/713,643
Applicant: Declan Walsh et al.
Filed: May 15, 2015
Title: DOSE COUNTERS FOR INHALERS, INHALERS AND METHODS OF ASSEMBLY THEREOF
T.C./A.U.: 2876
Examiner: Daniel A. Hess
Confirmation No.: 4229
Docket No.: TEVE-139US12

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Responsive to the Office Action dated July 12, 2016, please amend the above-identified application as follows:

- Amendments to the Specification** begin on page _____ of this paper.
- Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.
- Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet(s).
- Amendments to the Abstract** are on page _____ of this paper. A clean version of the Abstract is on page _____ of this paper.
- Remarks/Arguments** begin on page 3 of this paper.

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Amendments to the Claims: This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. (Currently Amended) A method of assembling an inhaler for inhaling medicament, the inhaler having a body for retaining a medicament store and a dose counter having a moveable actuator and a chassis mounted on the body, said method comprising:

inserting a plurality of pins on one of the body and the chassis into a plurality of mating apertures on the other of the body and the chassis before heat staking the chassis in place, wherein either the plurality of pins or the plurality of mating apertures are positioned on three different sides of the chassis; and

heat staking the chassis of the dose counter onto the body by heat staking the plurality of pins in their respective mating apertures.

2. (Original) The method as claimed in claim 1 further comprising the step of mounting a spring-returned ratchet actuator in the body before heat staking the chassis in place.

3. (Cancelled)

4. (Cancelled)

5. (Original) The method as claimed in claim 1, wherein the dose counter is positioned in a dose counter chamber of the body, and the method further comprises the step of mounting a cover on the body to conceal the dose counter chamber of the body.

6. (Original) The method as claimed in claim 5, wherein the mounting step includes mounting the cover such that it does not conceal a perforation that is defined at the open end of the dose counter chamber, wherein the perforation permits the evaporation of water or aqueous matter in the dose counter chamber into the atmosphere.

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Remarks/Arguments:

Claim Status

Claims 1, 2, 5 and 6 are pending and stand rejected. Claims 3 and 4 have been incorporated into claim 1, and those claims have been cancelled without prejudice or disclaimer of the subject matter thereof. Claim 1 has been additionally amended to recite that "either the plurality of pins or the plurality of mating apertures are positioned on three different sides of the chassis." This feature can be found, for example, in FIG. 6B (see apertures 188, 190 and 192), FIG. 8B (see pins at 182, 184 and 186) and the description accompanying those figures. No new matter has been added.

Claim Rejections

Claims 1-6 stand rejected as being obvious over the combination of U.S. Patent App. Pub. No. 2012/0006322 to Anderson and U.S. Patent No. 6,446,627 to Bowman. The Applicant respectfully requests reconsideration of this rejection for the reasons set forth hereinafter.

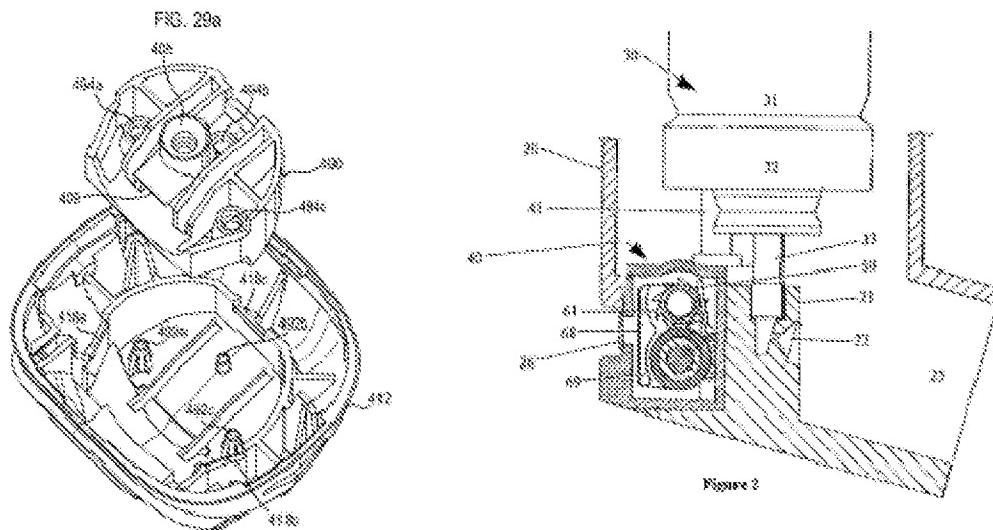
In establishing a prima facie case of obviousness, "all of the claim limitations must be considered." M.P.E.P. §2143. Sole independent claim 1 has been amended and recites features that are neither disclosed nor suggested by the cited references, namely,

A method of assembling an inhaler for inhaling medicament, the inhaler having a body for retaining a medicament store and a dose counter having a moveable actuator and a chassis mounted on the body, said method comprising inserting a plurality of pins on one of the body and the chassis into a plurality of mating apertures on the other of the body and the chassis before heat staking the chassis in place, wherein either the plurality of pins or the plurality of mating apertures are positioned on three different sides of the chassis; and heat staking the chassis of the dose counter onto the body by heat staking the plurality of pins in their respective mating apertures. [Emphasis Added]

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This patent application is generally directed to a method of heat staking a chassis of a dose counter onto a body of an inhaler. By way of background to the rejection, the Office Action cites to paragraph 0140 of Anderson (shown below to the left) for its teaching of components of an inhaler body that are heat staked together at points 492a-c and 494a-c. The Office Action acknowledges that Anderson does not disclose a dose counter that is heat staked to the body inhaler, however, the Office Action relies on Bowman (shown below to the right) for its teaching of a dose counter that is mounted to a base of an inhaler, and contends that it would have been obvious to utilize Anderson's heat staking operation for mounting Bowman's dose counter into the inhaler body.



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Conclusion

In view of the remarks set forth above, the Applicant respectfully submits that this application is now in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,

/Brett J. Rosen/
Brett J. Rosen, Reg. No. 56,047
Attorney for Applicant

BJR/pbm

Dated: September 28, 2016

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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

3230964

Electronic Acknowledgement Receipt

EFS ID:	27053251
Application Number:	14713643
International Application Number:	
Confirmation Number:	4229
Title of Invention:	DOSE COUNTERS FOR INHALERS, INHALERS AND METHODS OF ASSEMBLY THEREOF
First Named Inventor/Applicant Name:	Declan Walsh
Customer Number:	64955
Filer:	Brett Rosen/Marianne Friel
Filer Authorized By:	Brett Rosen
Attorney Docket Number:	TEVE-139US12
Receipt Date:	28-SEP-2016
Filing Date:	15-MAY-2015
Time Stamp:	14:31:31
Application Type:	Utility under 35 USC 111(a)

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Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part/.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	TEVE_139US12_AMENDMENT.pdf	159551 2e6dfcb1591c143db60b0e0f3267f24e231e 39fb	no	5

Warnings:

Total Files Size (in bytes):	159551
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875		Application or Docket Number 14/713,643	Filing Date 05/15/2015	<input type="checkbox"/> To be Mailed
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ENTITY: LARGE SMALL MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	09/28/2016	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 4	Minus	** 20 = 0	x \$80 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	***3 = 0	x \$420 =	0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
					TOTAL ADD'L FEE	0

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* Minus	** =	x \$ =		
	Independent (37 CFR 1.16(h))	* Minus	*** =	x \$ =		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
CAROL BARNES

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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